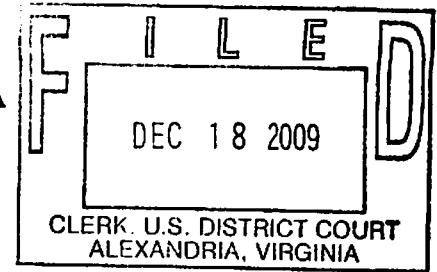


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division



NETSCAPE COMMUNICATIONS CORP.,)
Plaintiff,)
)
v.)
)
VALUECLICK, INC., et al.,)
Defendants.)

No. 1:09cv225

ORDER

Pending before the Court are the parties' cross-motions for summary judgment relating to defendants' alleged infringement and willful infringement of U.S. Patent No. 5,774,670.

For the reasons stated from the Bench, and for good cause,


It is hereby **ORDERED** that the parties' submit by 5:00 p.m., Tuesday, January 5, 2010, a list of citations to the following:

- (i) record evidence that the technology plaintiff offered or sold to MCI in 1994 is identical to the method claimed in '670 patent claim 1;
- (ii) record evidence identifying the characteristics or qualifications of a person reasonably skilled in the art at the time of invention; and
- (iii) record evidence establishing the content of the prior art, how the claimed invention differs from the prior art, and whether this difference would have been obvious to a person reasonably skilled in the art.

It is further **ORDERED** that a status conference in this matter is **SCHEDULED** for 1:00 p.m., Friday, January 22, 2010, at which time trial proceedings, including severance of issues, will be discussed.

The Clerk is directed to send a copy of this Order to all counsel of record.

Alexandria, Virginia,
December 18, 2009



T. S. Ellis, III
United States District Judge